

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO**

Amended Petition for Revocation of Supervised Release

Name of Offender: Andrew Zamora
Docket Number: 1084 1:15CR03545-001JCH
Assigned Judge: Honorable Judith C. Herrera, Senior United States District Judge
Date of Original Sentence: 08/11/2016
Original Offense: 18 U.S.C. 922(g)(1): Felon in Possession of a Firearm and Ammunition
Original Sentence: BOP: 46 Months; TSR: 36 Months
Date Supervision Commenced: 03/01/2019
Date Supervision Expires: 02/28/2022
Other Court Action: 05/08/2019- Report on Offender Under Supervision submitted to the Court after the defendant submitted a urine specimen for testing which returned positive results for methamphetamine. The Court agreed to take no action.

06/07/2019- Report on Offender Under Supervision submitted to the Court after the defendant submitted a urine specimen for testing which returned positive results for methamphetamine. The Court agreed to take no action.

07/08/2019- Report on Offender Under Supervision submitted to the Court after the defendant submitted a urine specimen for testing which returned positive results for methamphetamine. The defendant was referred to Intensive Outpatient Treatment with A New Awakening. The Court agreed to take no action.

11/26/2019- Request for Modifying the Conditions or Term of Supervision filed adding a location monitoring program with radio frequency for a period of 90 days after the defendant submitted a urine specimen for testing on November 19, 2019 which returned positive results for amphetamine and it was found the defendant was not residing at the residence he had reported. The Court agreed to modify the conditions of probation.

03/17/2020- Report on Offender Under Supervision submitted to the Court after the defendant submitted a urine specimen for testing which returned positive results for alcohol. The Court agreed to take no action.

04/15/2020- Petition for Revocation of Supervised Release submitted to the Court and a summons was requested after the defendant submitted a urine specimen for testing which returned positive results for amphetamine. Sentencing in this matter is scheduled for January 14, 2021.

PETITIONING THE COURT

To issue a warrant.

U.S. Probation Officer of the Court, Kelly Coppin, alleges the offender has violated the following condition(s) of supervised release.

<i>Violation Type</i>	<i>Nature of Noncompliance</i>
MC AMENDED	<p>The defendant shall refrain from any unlawful use of a controlled substance.</p> <p>On April 14, 2020, this officer was informed the defendant had submitted a urine specimen for testing on April 04, 2020, which revealed positive results for amphetamine. On April 14, 2020, this officer spoke with the defendant regarding the positive drug test. He admitted to smoking marijuana which must have been laced with methamphetamine on or around April 02, 2020.</p> <p>On December 29, 2020, the defendant admitted he had relapsed recently and had used methamphetamine and marijuana.</p>
SPC	<p>The defendant must refrain from the use and possession of alcohol and other forms of intoxicants.</p> <p>On April 14, 2020, during a telephone conversation with this officer, the defendant admitted to consuming alcohol on or around April 02, 2020.</p>
SC AMENDED	<p>The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.</p> <p>On December 29, 2020, the defendant was found by probation authorities at another felon's residence during a home visit. The defendant attempted to avoid probation authorities by jumping out a bedroom window. Later over the phone he admitted he was at the residence, where illegal substances and drug paraphernalia was located. He did not admit to knowing there was illegal substances or drug paraphernalia at the residence, however, did admit he had relapsed recently and had used methamphetamine and marijuana.</p>
SC AMENDED	<p>The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.</p> <p>On December 02, 2020, a home visit was conducted to another offender's residence. During the home visit, the defendant was located inside the residence. Both individuals were told not to have contact with one another. On December 29, 2020, another home visit was conducted to the same residence, at which time the defendant was located inside the apartment.</p>

This marks the defendant's fifth positive drug test for illegal controlled substances since 05/08/2019. Pursuant to 18 U.S.C. 3583 (g)(4) if the defendant tests positive for illegal controlled substances more than three times over the course of one year, supervision must be revoked, and the defendant must be sentenced to a term of imprisonment. However, sentencing provisions authorize the Court, acting in accordance with sentencing

guidelines, to exempt an offender who fails a drug test, from the mandatory revocation and imprisonment provisions, pursuant to 18 U.S.C. 3563(e) and 18 U.S.C. 3583(d).

The maximum statutory penalty: 2 years imprisonment; 3 years supervised release.

The revocation range of imprisonment: 7 to 13 months.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 04/15/2020.

Submitted:

Approved:

☒ Phone Approval



Kelly Coppin
U.S. Probation Officer
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Jack Burkhead
(505) 346-7274
Assistant U.S. Attorney

Date: 12/30/2020